WISHA Interim Interpretive Memorandum
Washington Department of Labor and Industries
#98-1-L
PREVENTING LEAD EXPOSURE
WHEN WELDING, CUTTING AND HEATING IN ENCLOSED OR CONFINED SPACES

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Background

WAC 296-155-415 (Ventilation and Protection in Welding, Cutting and Heating) and WAC 296-155-420 (3) (Welding, Cutting and Heating in way of (Toxic) Preservative Coatings), both of which took effect in 1974, address the hot activities and their requirements during construction activities. These sections contain specification requirements applicable to enclosed, confined spaces when working on certain materials containing or coated with toxic substances, including lead. These sections became effective in 1974.

WAC 296-155-176 (Lead in Construction), which took effect in 1993, includes some specification requirements for the beginning of a construction activity. In relation to other activities, however, its requirements are performance oriented. Because the older standard relies more heavily on specification requirements, some of its provisions are more stringent than those of the newer standard. In other areas, the 1993 standard is both more stringent and more protective.

In 1994, the federal Occupational Safety and Health Administration addressed this conflict in the federal standards in an interpretive letter. This interim memorandum, which will remain in effect until replaced by a more formal directive, provides similar guidance to WISHA consultation and compliance staff regarding appropriate application of the state standards.

Policy

WISHA staff must give precedence to the requirements of WAC 296-155-176 over those of WAC 296-115-415 and WAC 296-155-420 as they relate to lead. Any practices permitted by WAC 296-155-176 but otherwise representing a violation of the other two standards must be considered *de minimis* and therefore not cited.

Example: WAC 296-155-17611 requires employers to use any and all feasible engineering and work practice controls to reduce and maintain employee exposure levels to or below the PEL. The standard requires engineering controls, work practices, administrative controls and respiratory protection (in the case of hot work) regardless of where the work is performed (confined, enclosed or open space). In this context, the older 1974 requirement to strip back paint 4 inches on both sides would be an engineering control <u>option</u> rather than a <u>requirement</u>. The employer must evaluate all such options and use those that are feasible to reduce the exposure to the PEL if possible (otherwise, the employer must reduce exposure to the lowest level possible and supplement the controls with respiratory protection). If the employer has achieved such a reduction without stripping paint back 4 inches on both sides, no citation may be issued, in spite of the literal violation of the 1974 requirement.

In the above example, airline respirators for welding, cutting and heating are required until such time that the employer has had personal monitoring performed for <u>each</u> job classification in <u>each</u> work area for <u>each</u> work shift (or for the shift with the highest exposure level).